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Koji Shimoda

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EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT

PAPER NUMBER

3725

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3725

DETAILED ACTION

Applicant's election of group I claims 1-6 and 13, filed 3-29-2006, is accepted.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1,2,5,6 and 13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-6 and 10-12 of U.S. Patent No. 7,013,691. Although the conflicting claims are not identical, they are not patentably distinct from each other because 7,013,691 claims a temperature measuring means and control adjustment of a rolling condition in a processing apparatus for an endless metallic belt.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,5,6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio et al. (JP 2003033804) in view of Hattori et al. (63-10033). Nishio discloses rolling rolls (3,4) and a tension roller (2b) for rolling processing of an endless metallic belt ring. A measuring (9) and control device (10) are used to determine a correction coefficient (ΔT) that is generated during rolling in order to keep the ring in a temperature range that has been stored. Nishio does not disclose a change in a rolling condition. Hattori teaches that it is known to control a rolling reduction speed or a revolving speed of a work roller in order to keep a temperature of a ring within a set temperature range. It would have been obvious to one skilled in the art at the time of invention to change a rolling reduction value or a speed value in the invention of Nishio as taught by Hattori in order to control the desired temperature for rolling. Regarding claims 5 and 6, the temperature is monitored throughout the rolling process of rings which includes rough rolling and finish rolling when rolling for endless metallic belts.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio in view of Hattori and further in view of Stahl et al. (4,939,920). Nishio in view of

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Hattori does not disclose direct measurement of a roller bearing (roll or roll part). Stahl teaches that it is known to use a temperature sensor (6) that is in direct contact with a roll part (7). It would have been obvious to one skilled in the art at the time of invention to provide a work roll temperature sensor in the invention of Nishio in view of Hattori as taught by Stahl in order to monitor a temperature condition at a work roll during rolling.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

ED TOLAN
PRIMARY EXAMINER
